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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

APR 13 2000  
at 2 o'clock and 29 min. P M  
WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 00-00132 SOM
	)	
Plaintiff,	)	FIRST SUPERSEDING INDICTMENT
	)	
vs.	)	
	)	18 U.S.C. §§ 371 and 287
MARK F. DOZBABA (01),	)	
HERVE J. COTE (02),	)	[Conspiracy to Submit
DEAN D. DIERKS (03),	)	False and Fraudulent
TECHNOLOGY SERVICES	)	Claims to the United
INTERNATIONAL, INC. (04),	)	States]
JOE A. GINDRO, (05),	)	
	)	
Defendants.	)	

FIRST SUPERSEDING INDICTMENT

The Grand Jury charges:

Beginning in or about October 1994, and continuing to on or about January 5, 1999, in the District of Hawaii and elsewhere, MARK F. DOZBABA, HERVE J. COTE, DEAN D. DIERKS, TECHNOLOGY SERVICES INTERNATIONAL, INC., and JOE A. GINDRO, defendants herein, did knowingly conspire with each other and others, known and unknown to the Grand Jury, to submit false, fraudulent and fictitious claims upon the United States Air

Force, an agency and department of the United States, violations of Title 18, United States Code, section 287.

WAYS AND MEANS OF THE CONSPIRACY

Technology Services International, Inc. (TSI) was a corporation which offered refuse disposal services. MARK F. DOZBABA was president of TSI, and HERVE J. COTE was its vice president and chief financial officer at all times material to this Indictment. From March 1995 through January 1999, DEAN D. DIERKS was TSI's human resource manager. From October 1994, the beginning of the conspiracy, through 1997, JOE A. GINDRO was an employee of TSI and ultimately was its regional manager.

In October 1994, TSI contracted with the United States for the removal of industrial refuse from Hickam Air Force Base in Hawaii. TSI was paid a basic service charge, and was entitled to reimbursement for disposal fees paid to the City and County of Honolulu for use of the City's waste disposal sites. To obtain reimbursement, TSI was required to provide the United States with invoices stating the tonnage of waste disposed at City sites, and the fees paid to the City for waste disposal services.

Beginning in October 1994, TSI submitted monthly invoices to the Air Force which overstated the amount of waste it disposed of at City and County of Honolulu waste sites. In June 1977, the Air Force began to require TSI to support its invoices with weight tickets from the City sites. To support the fraudulent invoices, DOZBABA, COTE and DIERKS created fake weight tickets which looked like the tickets issued at a City waste

disposal site. The fake tickets either reflected fictitious weights, or reflected the gross (weight of truck and waste) rather than net (weight of waste) weights of loads taken to the City waste sites. By virtue of the foregoing false billings, TSI sought reimbursement for \$1,007,908.94 in costs which it had not actually incurred.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the defendants committed overt acts in the District of Hawaii and elsewhere, including the following:

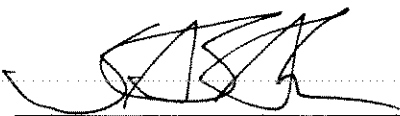
1. On or about June 9, 1995, DEAN D. DIERKS faxed a letter to the Air Force offering a discount in the payment of one of TSI's invoices.

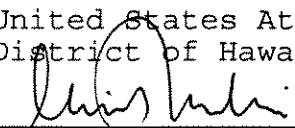
All in violation of Title 18, United States Code, section 371.


DATED: Honolulu, Hawaii, April 13, 2000.

A TRUE BILL

151  
Foreperson, Grand Jury

  
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United States v. Mark F. Dozbaba, et al.  
"First Superseding Indictment"  
Cr. No. \_\_\_\_\_